HOW FAMOUS LIBEL TRIAL CLOSED.

ROOSEVELT'S STATEMENT TO THE COURT.

Your honor, in view of the statement of the defendant I ask the court to instruct the jury that I desire only nominal damages. I did not go into this case for money. I did not go into it for any vindictive purpose. I went into it and, as the court said, I made my reputation at issue because I wished once for all during my lifetime thoroughly and comprehensively, to deal with these slanders, so that never again will it be possible for any man in good faith to repeat

I have achieved my purpose and I am content.

POINTS FROM JUDGE'S CHARGE TO JURY.

The natural result of the publication of the charge we are considering was to bring ridicule, contempt and disgrace on the plaintiff, and, if untrue, it was plainly libelous. *

By the plaintiff's own, and the testimony of a long list of witnesses of high character and unimpeachable credibility, he has satisfied the defendant, the jury also, I fully believe: certainly he has convinced the court, not only that he never was drunk, but that he is now and always has been a temperate and abstemious man.

EDITOR NEWETT'S EXPLANATION.

I had for many years been a strong supporter of Theo-

dore Roosevelt. I heard from many sources Mr. Roosevelt was drinking wines and liquors to excess. * * *

I was loath to credit reports, but finally was con-

We have been unable to locate or produce witnesses who will swear that they actually saw Roosevelt drink to

I have taken the depositions of more than forty reputable witnesses who have expressed the opinion Mr. Roosevelt was intoxicated.

I have been profoundly impressed during the progress of this trial by the evidence produced by the plaintiff to the fact he did not use liquor to excess. * * * I am unwilling to believe that these eminent men would

purposely misstate the facts. * I am unwilling to continue to assert Mr. Roosevelt drank to excess. As a publisher I have never knowingly done injustice to any man.

then until the present time. This paper

in such papers in communities like Ish-peming, and in addition specializes in min-

Tells of Circulation.

"I do not use wines or liquors my-

self in any form and am an absolute

"In 1896 I was appointed commissione

"In 1905 I was appointed postmaster

case and held that office for twenty years,

have also held various positions on civic

am now president of the Ishpeming Ad-

Once Roosevelt Supporter.

Roosevelt, recognizing him as the great

republican leader, and had frequently

published editorials and other articles in

his policies, and I had, therefore, assisted

all his campaigns, not only by personal effort, but also by financial contributions.

Charges Made Repeatedly.

reputable, but notwithstanding this I

was loath to credit them. I felt that

there was a possibility that these persons

were mistaken and therefore thought

"Later, during the winter of 1912, I

spent several weeks at Belleair and other

"During this trip the same statements

"During this period I also talked with

various reputable people in Ishpeming

mentioned, who claimed to know the con-

in whose statements I had the utmost

Is Finally Convinced.

ditions as they existed in Washington and

their opportunity to know the facts.

as to Mr. Roosevelt's habits were repeat-

at the end of which term I resigned.

re-appointment by Gov. Pingree.

vancement Association.'

republican nominee

tervening cities.

Florida points.

teetotaler, having strong conviction on

known as Iron Ore.

in any form

(Continued From First Page.)

damages, would have sustained a verdict in any sum up to the amount claimed in plaintiff's declaration, which

As soon as William H. Matthews, miner, thirty-one years old, foreman of Michigan, a position I had four years the jury, reported the verdict as directed the court, court adjourned and Col. Roosevelt stepped forward and shook the hand of each juror.

"I thank you gentlemen, each you," said the colonel. "It was s just perfectly splendid." "It was splendid, lews, smooth shaven and youth-

said the jurors had been much im-"After Mr. Roosevelt's testimony,

hink we were impressed chiefly with hat of Mr. Garfield and Mr. Riis," said The statement of Mr. Newett himself,

that he could not doubt that Col. Roose-rele was a temperate man after consid-aring the character of the witnesses, was just how we felt."

Interest Never Lost.

The scene in the little mahogany-furing on the hill overlooking Lake Superior never for a moment during the trial extending over five days, last dramatic interest. However, hour after hour Mr. Newett, although suffering from a serious malhis face, sat listening to testimony given gainst him by former members of Col. Roosevelt's cabinet, literary men, docors, naturalists and others of national reputation. Ten feet away sat Col. Roosevelt, the plaintiff. The balconies and the seats behind the lawyers' inclosure were always filled.

As well as being unusual in regard to the character of the charges and the prominence of the witnesses it was one of the briefest of civil trials.

Prominent Men Testify.

The first witness was Col. Roosevelt introduced by deposition. Between them the statements probably unwarranted. Leonard Wood chief of staff; Cortelyou, Dr. Albert Shaw, William Loeb, jr., Jacob A. Riis and many newspaper men. all of whom testified ver- excess or personally knew that he did so. bally or by deposition that Col. Roosevelt "did not get drunk," as charged in Mr. Newett's newspaper.

edly after the verdict, was chatting with various persons, occasionally uttering Judge Flannigan had governed the case or of some cleverness of his lawyers. Mr. Newett was speaking with friends in the room, while everybody else was watching to see if the two principals to the suit would get together.

Principals Do Not Meet.

he had acknowledged himself in the of the statements which had been made, much as I regretted to believe them. wrong, he was on his way to his home

and there was no further chance, as the be for the best interests of the country. colonel had to hurry to catch his train. In October, 1912, Mr. Roosevelt made a Emlen Roosevelt, William Loeb, jr., and quette on the 9th. I was present on that

The libel of which Col. Roosevelt com-Newett's weekly paper at Ishpem- lifelong friends. ng, the Iron Ore. It took the colonel to task for "preaching" to others when "he himself gets drunk, and that not in-frequently, as all his intimates know."

Newett in Statement Says He Would Be Just

Editor Newett's statement in court, in

"I obtained my education in the district believing that as a publisher I owed the school in that vicinity, working on the duty to my readers to make that statefarm summers and going to school win- ment. ters. I came to Marquette county in 1873. the 12th day of October, 1912, neither and have lived here ever since. In 1874 I the plaintiff nor any one in his behalf began working for the Iron Ore, the notified me that he claimed the charges hirst paper published in Ishpeming, and so made were unfounded, nor did they have ever since been engaged in newspa-;

per work in this county.
"In 1879 I left the Iron Home and started the publication of a paper of my own. and have continued its publication from

menced on October 25, 1912, and the service of the papers constituted the first intimation I received that the article

was complained of. "After the commencement of this suit there was nothing for me to do, but to prepare to defend it and I did so to the best of my ability. From that time I proceeded to investigate the actual facts which could be shown by witnesses who would testify under oath. As I have said, up to the time of the publication my information had been through persons who claimed to have knowledge of the statements which had been made, and I went forward to verify those statements and determine the witnesses by whom they could be proved. Additional information came to me from various sections of the country, as this case had been given wide publicity.

"Both my attorneys and myself went forward with the investigation of all this with great thoroughness and in numerous places in various parts of the country we found reputable witnesses who were willing to swear that from observation during certain of the addresses and public appearances of Mr. Roosevelt they believed that he was intoxicated when they saw him.

Refuse to Make Oath.

"We have been unable, however, to locate or produce witnesses who will swear that they have actually seen Mr. Roosevelt drink to excess. Upon this phase of the case, when the statements attributed to such persons had been sifted, it was found in each instance that the witness did not himself know that Mr. Roosevelt had drunk to excess or that if he had made such claim he was not willing to testify. "It is fair to the plaintiff to state that I have been unable to find in any section of the country any individual witness who is willing to state that he has personally seen Mr. Roosevelt drink

"I have taken the testimony in the form of depositions of more than forty reputable witnesses who have expressed the opinion that on those occasions as to which they testified he was intoxicated. I believe all these witnesses were honest in making their statements. I have relied upon those witnesses, but have recognized the lesser opportunities they have had to observe the plaintiff and his habits..

Impressed by Evidence.

"I have been profoundly impressed during the progress of this trial by the nature and extent of the evidence produced by the plaintiff to the effect that he did not, in fact, use liquor to excess on any occasion. "I am unwilling to believe that these eminent men would purposely misstate the facts, or that under the circum-

stances related by them and their intimate acquaintances with the plaintiff for so many years they could be mis-taken as to his habits. "I therefore have been forced to be "The Iron Ore is a weekly paper which contains the usual local news published lieve that those who have given deposi-tions or made the statement that in their opinion on the occasions to which they refer Mr. Roosevelt was intoxicated had insufficient means and opportunity of correctly observing him, and

ing news, covering not only the mining districts of Michigan, but elsewhere. "Up to the time of this trial I had believed that the statements made in the which was confined to the county of tinguished men, who have been in Marquette and the greater part of the position for years to know the truth, I remainder to other towns in the upper am forced to the conclusion that I was

Would Mean Injustice.

this subject. Neither do I use tobacco of mineral statistics for the state of covering two terms, my first appointment having been made by Gov. Rich and my tiff in this case. We have reached the at Ishpeming by the plaintiff in this conclusion that to continue, expressly or implied, to assert that Mr. Roosecame intoxicated as set forth in the boards in the city of Ishpeming, and article would do him an injustice. "Since publishing the article I acted honestly and in good faith, I propose at this time and throughout the remainder of the case to occupy a like position. My position throughout the introduction of my defense is, and will be, that in the publication I acted in good faith and without malice

Iron Ore commending him and approving Judge Is Convinced Roosevelt Never Was Drunk, He Tells Jury

Even in the primary campaign of 1912 I supported him as second choice for the Judge Plannigan's charge to the jury "I mention these facts as indicating the impossibility of my harboring any feeling sitting in former President Roesevelt's of personal malice against the plaintiff. libel suit against Editor Newett follows: me time before 1912 I began to hear "Gentlemen of the jury: The position statements from various sources that Mr. Roosevelt was drinking wines and liquors excess. During this period I took a the court to dispose of this case finally trip throughout the western country, at this time.

passing through the states of Montana, "This action, which is for libel, fol-Nevada and Arizona, as well as the inlowed upon the publication by the defendant of the statement that the plaintiff was frequently drunk. "The statements of Mr. Roosevelt's ex-

pressed in printing or writing, or by signs charged, as in any other case of libel. and pictures, tending to blacken the memory of one dead, or the reputation of one who is alive and expose him to

public hatred, contempt and ridicule. Explains Term "Malice."

"In all actions for defamation malice is an essential element. But in such actions took a trip to Florida, passing through ing two significations. One its ordinary Chicago and other cities en route and meaning of ill-will against a person, and the other its legal signification, which is before this court to show that the charge a wrongful act done intentionally without had actually seen Mr. Roosevelt drink to Malice in law is not necessarily inconsistand defamatory statements are made conand elsewhere than the places before or excuse, they are legally malicious, and mious man. reputation and the publication is not confidence, both as to their reliability and privileged, malice is implied from the defamatory nature of the publication and

Tells What Is Libelous. "During the spring of 1912 newspapers came to me on our exchange list, various! Roosevelt's drinking habits. I saw and is libelous and the publication of words Mr. Newett was the first to leave the read these newspaper publications. From of that character is considered the volunquently halted on the way to his auto- and all the information which had come privileged is presumed by law to have unassailed is as much a constitutional modern men, and to predict that in the ises. Yet it could be done, practice helpmobile by persons who wished to ex- to me from other sources mentioned I proceeded from malicious motives. When, right as the possession of life, liberty and near future women will surpass their ing, doubtless. The caller repaired, natfelt that I could no longer doubt the truth however, a publication is privileged the "When Mr. Roosevelt was nominated tiff to establish both the falsity of the actually sustained. in Ishpeming before the colonel left the for the presidency on the national pro- charge and malice in its publication. gressive ticket I opposed his election, hav-The one opportunity where they might ing been a lifelong republican and believ- of the charge we are considering was to sult from the publication of defamatory more cleanly lives, will inherit the The attacking party began in one room, have met casually passed in this way, ing that the success of that party would bring ridicule, contempt and disgrace matter whenever the immediate and acupon the plaintiff, and if untrue it was plainly libelous, and malice is conleft at 5:30 o'clock and on it, beside campaign trip through northern Michigan clusively presumed from its publication the colonel, were James R. Garfield, W. and among other places spoke at Mar- unless we may say it was privileged. "The plaintiff was formerly President a number of other witnesses, lawyers and occasion and heard him speak. In the of the United States. At the time of the publication he was a candidate for the course of his address he made what I considered a most unjust attack on our can- office of the President of the United lained was published October 12, 1912, in didate for Congress, who was one of my States and the defendant, by his plea, claimed that, the plaintiff being such candidate, and he, the defendant, being the publisher of a newspaper, he was privileged to comment upon the official acts, character and conduct of the plainments which had previously come to my tiff; that the publication was made in knowledge, confirmed me in the opinion good faith and with an honest purpose to lication, would warrant a verdict in the enlighten the public upon the character

Scope of Publisher.

facts, and the publisher's opinions there-

on and inferences therefrom, honestly

"This incident, together with the state-

that Mr. Roosevelt ought not to be and fitness of the plaintiff for the posielected President, and I concluded that it tion he sought, and that, therefore, the was my duty, in opposition to his candi- publication was privileged. And Withdraws Charge day, to publish the statements, which I then believed to be true.

Then Published Statement.

"I thereupon wrote and published the nich he explained his position in the article which is here complained of. This publication was intended only as a blow "I was born on a farm near Janesville to Mr Roosevelt's candidacy for the po-Wis., in 1856, and lived there until I was sition he then sought. In this publication I acted in entire good faith, believing that the facts stated were true and

request me to make any correction of

Suit Begun October 25.

On the contrary, this suit was com-

THE BEST FURNITURE IS THE MOST ECONOMICAL IN THE END

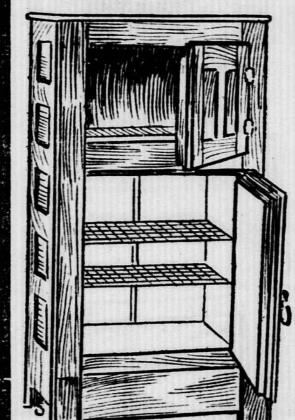
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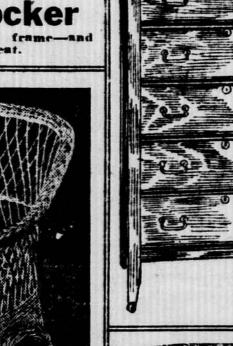
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any one, whether newspaper man or not, the privilege of writing or speaking of any candidate for an elective office words which are both defamatory and un-

WOOL FIBER

urisdictions, with us no one is privieged to defame a person because happens at the time to be a candidate "When a newspaper attacks the character of a candidate for public office the publisher must, at his peril, be care-"Libel is a malicious publication ex- ful to ascertain the truth of the facts and

Liability of Defendant.

that the defendant's liability in this acer the charge is truer or false.

truth or answer in damages, as was the plaintiff's right, the plaintiff proceeded was false in fact.

"And by his own and the testimony of a long list of witnesses of high charcinved the court-not only that he never was drunk, but that he is now and always has been a temperate and abste-

freely, in the presence of the court, concedes the mistake of fact in his publica- here but a little while, and while here tion. In this he has taken a just posi- | we don't wish to waste our minds on such

Acted in Good Faith.

"The enjoyment of a private reputation existence of malice is not presumed, and is unlawfully assailed he is entitled to in such cases the burden is on the plain- recover all the damages which he has this prophecy is based on evolution. "The natural result of the publication actually, proximately and necessarily re- habits, and that women, who lead tual tendency of the defamatory words | Such predictions are nonsense, of is to impair the plaintiff's reputation course. But they have this much of tendency of the publication of the words

Would Warrant Damages.

in the absence of actual malice.

"Therefore, accepting as true all which the defendant now claims as to the in- and more boys drink than girls. jury to the reputation and feelings of the plaintiff, which naturally, proximately and ecies of woe will be to spread good lication, would warrant a verdict in the side by side, men and women still have plaintiff's favor in a substantial amount, something to learn from each other. and would sustain a verdict in any sum to render a verdict in favor of the plaintiff's declaration, which is ten thousand "But, as the court is addressed by the

"The publisher of a newspaper may plaintiff, the object of the plaintiff in freely discuss the fitness of a person for bringing and prosecuting this action bepublic office; he may lawfully communi- ing the vindication of his good name and cate to the public any fact within his reputation and not the recovery of a money judgment, and he having in open knowledge respecting the official acts. court freely waived his right to the ascharacter or conduct of the candidate. and freely express his opinion on and his sessment of his actual damages, it only inferences from such facts, so long as he remains for the court to direct a verdict in his favor for nominal damages, which, sale slaughter of a den of rattlesnakes states as facts only the truth, and as under the law of Michigan, is the sum of in the Sierra National Forest reserve opinions and inferences therefrom only six cents. nonest belief. To that extent the pub-"You are therefore, gentlemen, directed lisher of a newspaper is within his to rende ra verdict in favor of the plain- men going through the reserve came privilege, and any candidate for public tiff for that amount." ffice injured in his reputation or feelings by reason of the publication of real

The Gentle Reader.

with the discursiveness of an Addison man has had a grudge against the seror a DeQuincey. Did we say "discursiveness"? How time changes the defi-

the gentle reader is an institution of tion depends solely on the question wheth- the past. If he exists, he retires far from the madding and yellow proffers "Unwilling to rest on the presumption of our "best seller." Instead of yielding to bright new bindings and illustrations in colors, he brushes the dust from the covers of an old friend. The present world is not for the gentle reader. Literature has become a knockdown and drag-out affair. The author who will not assault his readers stands busy world. And if the writer fails to deliver a knockout in the final chapter the volume seems as tame as a minuet at plaintiff and his witnesses, the defendant a tango ball. Mutilate our minds! Brulse That's the stuff! We are a bauble as thinking. Pass on, gentle reader. You are as obsolete as domesticity.

Concerning Physical Strength.

brothers in bodily strength. Sometimes More often the prophets declare that "The law presumes that damages must men are destroying themselves by bad Such was the immediate and natural foundation, that the habits of men and boys are less conducive to health and we are considering, conceding that the strength than those of women and

publication was made in good faith and girls. Smoking during the period of growth is bad for persons of either sex; but in this country, at least, few girls in their teens have anything to do with tobacco. Liquor drinking at the same period tends to stunt growth The practical result of these prophnecessarily followed upon the false pub- physical habits, without relation to sex. In spite of their long residence Women began their learning first. They have opened windows, claimed their share whom the only lasting impression can be of fresh air, and taken part in athletics. If men are now moved in turn to curb to them? And our imaginations clothe them needs only to recover his portmanteau their desire for stimulants and narcotics. at least until the period of growth is finished, the race will be gainer

Rattlesnakes. From the San Francisco Post.

The Fresno Herald tells of the wholenear Peckinpah mountain ridge. Two upon a great rock pile inhabited by From Puck. countless rattlers. They secured a box Mrs. Worldley-If, as you say, at Easton, Md., on the charge of mur- sticks in the crevices of the rock where did you not cry "Help"? and in good faith entertained, has no dering his three-year-old stepson, was the reptiles made their home, and after But Michigan has not yet granted to tenced to the Maryland penitentiary. more than 100 snakes, which in life had moment.

snake to five and one-half feet. They recovered the tail of one patriarch that

had sported fifteen rattles. Only the top den was blown off, and the men heard a were counting the results of their first experiment. Doubtless by this time they pent and will rejoice to hear of the mor-

tality among the snakes of Peckinpah bounty for every rattle. Naturalists say there is no spot in the United States frefrom the rattlesnake. In some counties of New England they are even more plentiful than they were in colonial days and there are enough of them left on the Pacific coast to make it necessary for every person out on the summer vacation and particularly every one who goes camping, to keep an eye out. The Veteran Fly Campaigners.

The "campfire" girls of Kansas City are pledged to undertake a campaign against the housefly. They are going to prisal not a speck of food is to be left around-not a crumb. With perfect diligence everything not consumed is to be locked up. Then the fly, reduced to emaciation, a staggering gait and palsied flight, may be swatted. Do the majority recall the picture of a flyless country home, long before the billion-studded statistics came out?

The visitor was saluted by a woman with a towel around her head who waved another towel around the caller as the door was opened. It was something of It is becoming fashionable to wail an art to expedite the entrance, maintain about the physical shortcomings of and not let a blamed fly in on the premthere was one in there he was trailed on making his presence known. Every other day, by way of precaution, there was an assault with flails, these being sawed-off broomsticks with strips of paper attached. swished all flies to the next, and so on to a final corral where they were whacked to extinction. It all seemed very simple and devoid of fuss, and it was eternally effective.

The Symbolic Key.

From the American Tailor and Cutter. Art, music and poetry have in all ages been considered the polite arts, but what is art without the proper portrayal of the dress of the age that it seeks to represent? What is music that does not bring inspiration from the masters of the past who were clothed in the power to give us gimpses of men and ideals of gained by the form our imaginations give in robes in which their creators sent them higher ideals. Then what is poetry but thought clothed in words? No matter that gives entrance to these higher realms, and therefore why should not clothes themselves touch the hem of the garments of the arts, with which they are so closely in touch?

The Missing Word.

Frederick Shockley, who was tried of dynamite and planted twenty-five master kissed you against your will, why French Maid-Ah, madame. Zat ees just convicted of manslaughter and sen- the explosion they counted the remains of ze word of vich I could not sink at ze gram from the recipient of the letter. old Ivanovitch and it is hardly prob-

REPRODUCTION OF LATEST SPANISH SWINDLE LETTER

- inached to 3 919 Beiere being witherwood here I was intathened and Karine in Kura as you will en by the earland which about me of many English numbaken which have published my area I benech you to help no to obtain a sum of & seacco I have in America, and to some here to raw the region of my baggage paying to the highest of the last by expenses my muchop wall of reever the roid sum. Ha revaid Fred gove up to you the third part was & record my regularies the will deliver of forme Meriting your call Printeret you in all my west four First of all owner by salle not by little as follows

OLD SPANISH SWINDLE POPS UP HERE AGA

Harry Bosley of 404 2d Street Northwest Gets Eighth One of Various Letters Recently.

The old story of the Russain banker wrongfully imprisoned in Madrid, who now held by the Spanish authorities, in out on their errands of giving the world order to realize a fortune of \$480,000, those who receive his letter to come wrongfully wrested from his darling from what side viewed, the figure of daughter by the miscreant hands of the speech of clothing is the symbolic key powers that be, has come to light in Washington again.

Harry Bosley of 404 2d street northwest is the latest to receive an urgent of his arrest in London, but fails to appeal from "Ivanovitch." the cruelly say why he was sent to a prison in a wronged subject of the czar. The writer wronged subject of the czar. The writer by cable, so piteously urged. is clever enough not to set forth in his letter how any one can assist him in the

backs." the imprisoned banker points out that he cannot receive the cablegram

Cable to Show Good Faith.

Far from it. Gener Juanelo, "a perit to me." is designated by "Ivanovitch" as the proper person to whom the cable must be sent. The cablegram is merely as evidence of good faith on the part of the sender Details of what will be required in order that the poor Russian. languishing in prison in a strange land may gain access to the secret pocket in his portmanteau, in which lies hidden the "document indispensable to recover the sum of money" will be supplied by

the banker later. "Ivanovitch" pleads in his letter for Mr. Bosley to help him to obtain the money, and as a reward he is to r ceive \$160,000. The prisoner also wants Madrid at once and pay the cost of his trial to the registrar of the court in order that the mysterious plece of paggage with the valuable document may be re-

turned to him. The writer of the letter also speaks

This is the eighth letter of this kind noble aim of saving to his child the for- received by men in Washington within the last six months. The letters are tune which is rightfully hers. Details, all written in the same handwriting the letter intimates, will be furnished as and are absolutely identical in their soon as "Ivanovitch" receives a cable- wording. No one has replied to por Like all true conspirators in the "yellow able that any one will do so.